

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRENDA M. JOHNSON,

Plaintiff,

v.

AMBER MILLER, et al.,

Defendants.

CASE NO. C21-5539-BHS

ORDER ON REVIEW OF MOTION
FOR RECUSAL

This matter is before the Court on Plaintiff Brenda M. Johnson's Motion seeking recusal of Judges Creatura and Settle. Dkt #7. These judges have separately reviewed this Motion, declined to recuse, and in accordance with this Court's Local Civil Rules, referred this matter to the undersigned for review. Dkts. #8 and #9; LCR 3(f).

A judge of the United States shall disqualify himself in any proceeding in which his impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall disqualify themselves in circumstances where they have a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the

1 matter is pending has a personal bias or prejudice either against him or in favor of any adverse
2 party, such judge shall proceed no further therein, but another judge shall be assigned to hear
3 such proceeding.” “[A] judge’s prior adverse ruling is not sufficient cause for recusal.” *United*
4 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,
5 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an
6 extrajudicial source.”).

7 The Court has reviewed the above Motion and finds Plaintiff has failed to demonstrate
8 bias. Plaintiff states only that Judge Settle has worked on her prior cases. Dkt. #7. Judge
9 Settle’s involvement in related cases, even if true, is a typical practice of this Court and cannot
10 constitute an extrajudicial source of bias.

11 Plaintiff has otherwise failed to present a reasonable basis to question the impartiality of
12 either Judge Creatura or Judge Settle. Accordingly, the Court finds and ORDERS that the
13 above Orders declining to recuse, Dkts. #8 and #9, are AFFIRMED.

14 DATED this 27th day of August, 2021.

15
16
17 

18 RICARDO S. MARTINEZ
19 CHIEF UNITED STATES DISTRICT JUDGE
20
21
22
23
24